

EXHIBIT 2

1 IN THE UNITED STATES DISTRICT COURT
2

3 IN AND FOR THE DISTRICT OF DELAWARE
4

5 SYSMEX CORPORATION, et al.,)
6 vs.) Plaintiffs,) Case No.
7 BECKMAN COULTER, INC.,) 19-1642-RGA-CJB
8)
9) Defendant.)
10

11
12
13 TRANSCRIPT OF MOTION TO STRIKE AND DISCOVERY
14 DISPUTE
15
16

17 MOTION TO STRIKE AND DISCOVERY DISPUTE
18
19 had before the Honorable Christopher J. Burke,
20 U.S.M.J., via teleconference on the 3rd of
21 August, 2021.
22
23

24 APPEARANCES
25

26 RICHARDS, LAYTON & FINGER, P.A.
27 BY: KELLY E. FARNAN, ESQ.

28 - and -
29

30 CROWELL & MORING, LLP
31 BY: JAMES SOBIERAJ, ESQ.
32 JOSHUA JAMES, ESQ.
33
34 Counsel for Plaintiffs
35

1 (Appearances continued.)
2
3

4 YOUNG, CONAWAY, STARGATT & TAYLOR
5 BY: MELANIE SHARP, ESQ.
6
7

- and -
8

9 LEYDIG, VOIT & MAYER, LTD.
10 BY: DAVID M. AIRAN, ESQ.
11 WALLACE H. FENG, ESQ.
12 AARON R. FEIGELSON, PhD.
13
14
15
16
17
18
19
20
21
22
23
24
25

Counsel for Defendant

1 that you seem to be saying we think Mr. Imazu's
2 testimony is going to be relevant to an
3 inequitable conduct issue. Is that the only
4 issue Mr. Imazu's testimony is going to be
5 relevant to, or are there other issues,
6 potentially, where you say we need to get his
7 testimony because it's going to be relevant to
8 other liability issues in the case,
9 potentially? We tend ask questions that go to
10 other liability issues that might also relate
11 to summary judgment arguments.

12 Is there anything more you want to say
13 there about how his testimony is relevant to
14 the other issues in the case?

15 MR. FENG: Yes, Your Honor. There
16 are other validity issues that Mr. Imazu -- we
17 believe that Mr. Imazu has knowledge of. The
18 fact Mr. Imazu has special knowledge -- it
19 appears from the document production that
20 Mr. Imazu may have special knowledge during
21 production and development of the two measuring
22 modes that's recited in the patent, and **there**
23 **are e-mails suggesting that the alleged**
24 **invention had been invented by individuals**
25 **other than the named inventors.**

So along with the four named inventors of the asserted patent, Mr. Imazu was the only one whose name appeared on the e-mails. In an expert deposition last week, we asked Sysmex's technical expert about one of these documents, and he didn't know anything about it.

In other words, Mr. Imazu may have knowledge about facts that go to one or two inventorship defenses, and the only way to get that information is through a deposition of him.

THE COURT: So it has to do with an inventorship defense and potentially a product defense, not necessarily infringement or validity issues; is that right?

MR. FENG: I mean, those -- Your Honor, those defenses have to go -- I mean, at least one or two inventorship defenses has to do with invalidity.

THE COURT: I should have said not with respect to other invalidity issues other than that.

MR. FENG: I mean, at this moment, I mean, we have information that Mr. Imazu is a longtime Sysmex employee and has been employed